



CITY COUNCIL AGENDA REPORT

MEETING DATE: APRIL 5, 2004

ITEM NUMBER:

**SUBJECT: A DRAFT ORDINANCE REPLACING AND EXPANDING THE ZONING CODE
REGARDING MOBILEHOME PARK CONVERSIONS**

DATE: MARCH 18, 2004

FROM: DEVELOPMENT SERVICES/PLANNING DIVISION

PRESENTATION BY: KIMBERLY BRANDT, SENIOR PLANNER

FOR FURTHER INFORMATION CONTACT: KIMBERLY BRANDT, (714) 754-5604

RECOMMENDATION:

Give first reading to the draft ordinance, which replaces and expands the Zoning Code's provisions regarding mobilehome park conversions.

BACKGROUND:

On June 2, 2003, Council Member Cowan requested that City Council review the City's existing Zoning Code provisions for mobilehome park conversions in response to considerable public comments given at Council meetings over the proposed conversion/closure of the El Nido and Snug Harbor Village Trailer Parks located at 1626 and 1640 Newport Boulevard. Overall, the City contains 21 mobilehome parks (see Figures 1a through 1d in Attachment 1).


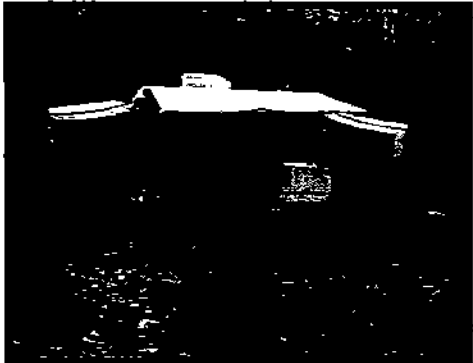




On July 7, 2003, Council directed staff to prepare an ordinance for Planning Commission review and recommendation that includes park closures and provides more specificity in the overall conversion process. On November 17, 2003, Council directed the Planning Commission not to consider any type of interim ordinance that would apply new mobilehome park conversion regulations to any pending mobilehome park conversion applications.

Beginning on October 13, 2003 and concluding on February 9, 2004, the Planning Commission held six public hearings on this draft ordinance, which incorporates an entirely new article into the Zoning Code that is solely devoted to mobilehome park conversions. As a result of the public hearing process, the ordinance underwent substantial changes from its initial version. These changes are summarized in Table 1 in Attachment 2.

ANALYSIS:

Various State laws govern the closure and/or conversion the mobilehome parks, which the Planning Commission considered in their recommendations to Council. Attachment 3 contains the ordinance in its entirety. A summary of the ordinance's major components is provided on the following pages:

1. Includes "mobilehome park closure" in the definition of a "mobilehome park conversion" (Section 13-28[k]).
2. Includes in the definition of "mobilehome", certain types of "recreational vehicles" when the vehicle is used as the occupant's primary place of residence as established by 9 months of continuous residency (Section 13-200.80[10]). This definition is consistent with the State Mobilehome Residency Law. Photo examples of the types of recreational vehicles that *are* and *are not* subject to this ordinance are as follows:

Recreational Vehicles <i>Subject</i> to Ordinance	Recreational Vehicles <i>Not Subject</i> to Ordinance
 <p data-bbox="375 957 659 993">Travel Trailers- Yes</p>	 <p data-bbox="954 947 1260 982">Camping Trailers- No</p>
 <p data-bbox="402 1388 630 1423">5th Wheels- Yes</p>	 <p data-bbox="971 1381 1247 1417">Truck Campers- No</p>
 <p data-bbox="391 1803 651 1839">Park Trailers- Yes</p>	 <p data-bbox="987 1717 1230 1753">Motor homes- No</p>

The inclusion of certain types of “recreational vehicles” in the definition of “mobilehome” directly affects two parks in the City: Anchor and Stone Villa. The State lists both of these parks as containing only recreational vehicle spaces. Anchor is located at 1527 Newport Boulevard and contains 43 recreational vehicle spaces. Stone Villa is located at 333 West Bay Street and contains 34 recreational vehicle spaces. It is Commission’s recommendation, that if a recreational vehicle park owner is allowing two or more of the recreational vehicle owners to reside in the park for nine or more continuous months, then the park is operating more as a mobilehome park than a recreational vehicle park, and, therefore, this ordinance would apply at the time the park owner wishes to convert or close the park. This ordinance would not apply to a recreational vehicle park if it contains only one recreational vehicle that meets this criterion.

3. Requires preparation of a relocation impact report by a consultant that the City selects, however, the property owner funds the report preparation (Section 13-200.83). This is similar to the City’s procedures for the preparation of environmental impact reports.
4. Requires the relocation impact report to provide information on comparable mobilehome parks within a minimum 50-mile radius (Section 13-200.85). In certain instances, this radius can be expanded to 75 miles. Figure 2 in Attachment 1 illustrates a 50-mile and 75-mile radius.
5. Outlines specific relocation mitigation measures for which the park owner is responsible. As stated in Table 13-200.87 of the draft ordinance, the park owner’s relocation responsibilities are limited to only homeowners and non-resident homeowners. Tenants who rent either a mobilehome from a park owner or non-resident homeowner are not eligible for relocation assistance. The table lists seven relocation measures and indicates whether or not a homeowner and/or non-resident homeowner is eligible for each measure. These measures are summarized below:
 - 5.1 Provision of a replacement lot in a comparable park within a 50-mile radius. Exceptions can be made to this requirement in certain instances.
 - 5.2 Payment of the cost of physically moving a mobilehome and any legally installed improvements. Utility connections are included if the homeowner/non-resident homeowner already has such service.
 - 5.3 Payment of the moving costs of all personal property.
 - 5.4 Payment of reasonable living expenses from the date of actual displacement until the date of occupancy at the new park.
 - 5.5 Payment of a lump sum based on the offsite market value of the mobilehome. This measure is only applicable to mobilehomes that cannot be relocated. A minimum payment threshold is also identified.
 - 5.6 Provision of a Relocation Specialist’s services.

5.7 Payment of a lump sum to compensate for any rent differential during the first year.

The overall time frame to process a mobilehome conversion permit is approximately 11 months. If an environmental impact report is required for the park conversion/closure, the overall process could be longer. See Table 2 in Attachment 2 that outlines the process by each necessary step.

For additional analysis of this draft ordinance, please refer to Attachment 4, which provides copies of the Commission staff reports. The Planning Commission meeting minutes are contained in Attachment 5. Attachment 6 contains the correspondence received on this item.

ALTERNATIVES CONSIDERED:

City Council may make specific changes to the draft ordinance or retain the City's existing mobilehome park conversion procedures.

FISCAL REVIEW:

This ordinance does not require fiscal review.

LEGAL REVIEW:

The City Attorney's Office has reviewed the draft ordinance and approved it as to content and form.


ENVIRONMENTAL DETERMINATION


These code amendments have been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures, and have been found to be exempt.

CONCLUSION:

The draft ordinance replaces and expands the City's current procedures for mobilehome park conversions. On February 9, 2004, Planning Commission recommended that Council give first reading to the draft ordinance by a series of motions. In revising the draft ordinance, Planning Commission took into consideration various public comments throughout the hearing process. Staff believes that the draft ordinance, as recommended by Planning Commission, is consistent with all applicable State laws.


KIMBERLY BRANDT
Senior Planner


DONALD D. LAMM
Deputy City Mgr.-Dev. Svs. Director


TOM WOOD
Acting City Attorney

DISTRIBUTION: City Manager
City Attorney
Public Services Director
City Clerk (2)
Distribution list (without Attachments 4 –6)

ATTACHMENTS: 1 Figures 1a –1d, and 2
2 Table 1- Summary of Ordinance Changes,
Table 2- Mobilehome Park Conversion Process
3 Draft Ordinance
4 Planning Commission Staff Reports
5 Planning Commission Meeting Minutes
6 Correspondence

File Name: 040504MHPORD

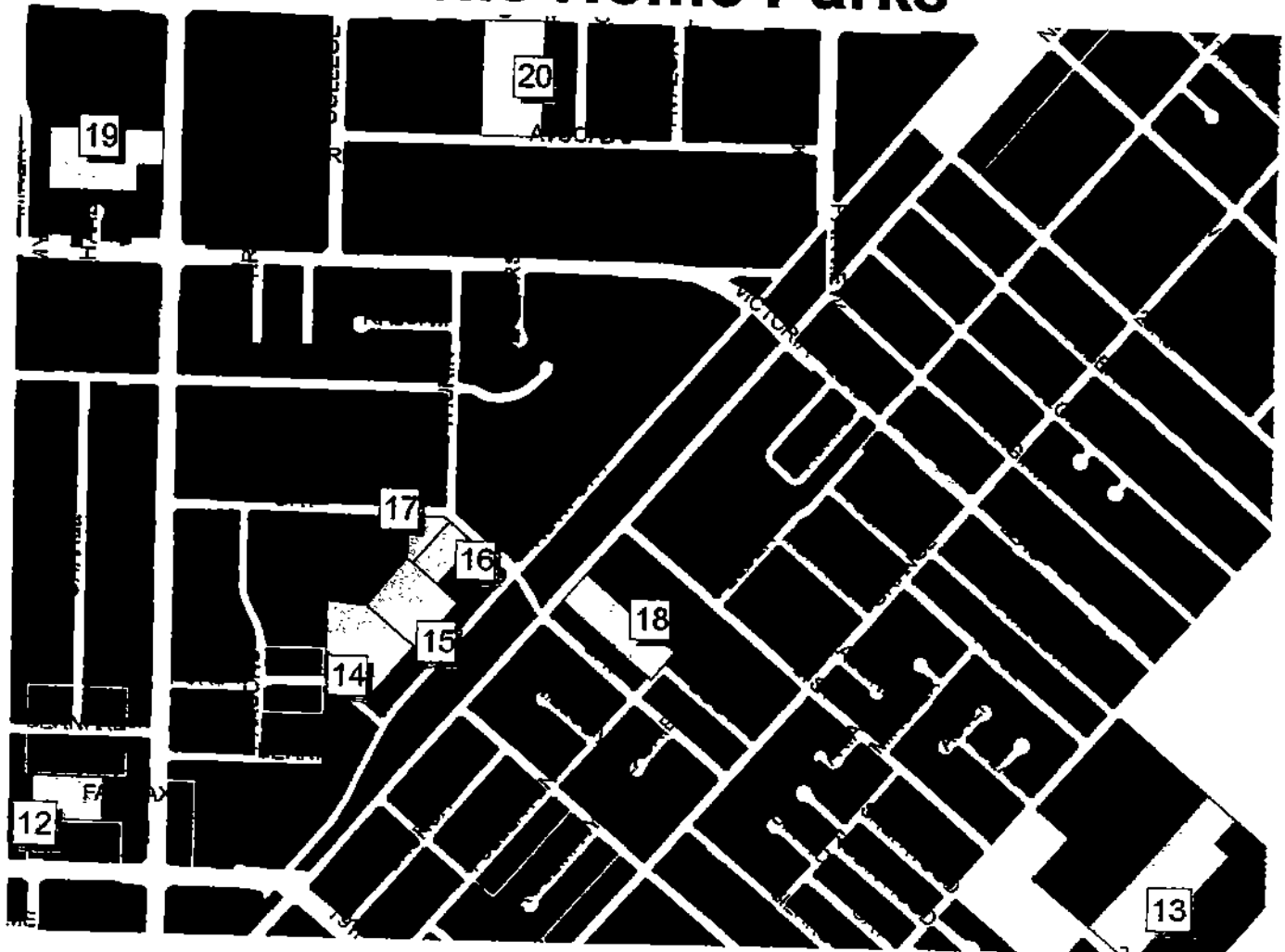
Date: 3/16/04

Time: 2 pm

ATTACHMENT 1

FIGURES 1A- 1D, 2

Figure 1c: Mobile Home Parks



- 13. Bay Harbor Mobile Home Park (396 E. 21st St.)
- 14. Rolling Homes Mobile Home Park (1973 Newport Blvd.)
- 15. Ponderosa Mobile Estates (1991 Newport Blvd.)
- 16. Stone Villa Trailer Park (333 W. Bay St.)
- 17. Tropic Trailer Ports (351 W. Bay St.)
- 18. Starlight Village (2060 Newport Blvd.)
- 19. Trade Winds Trailer Village (2191 Harbor Blvd.)
- 20. Costa Mesa Mobile Estates (327 W. Wilson)

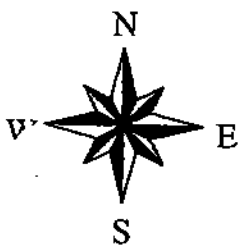
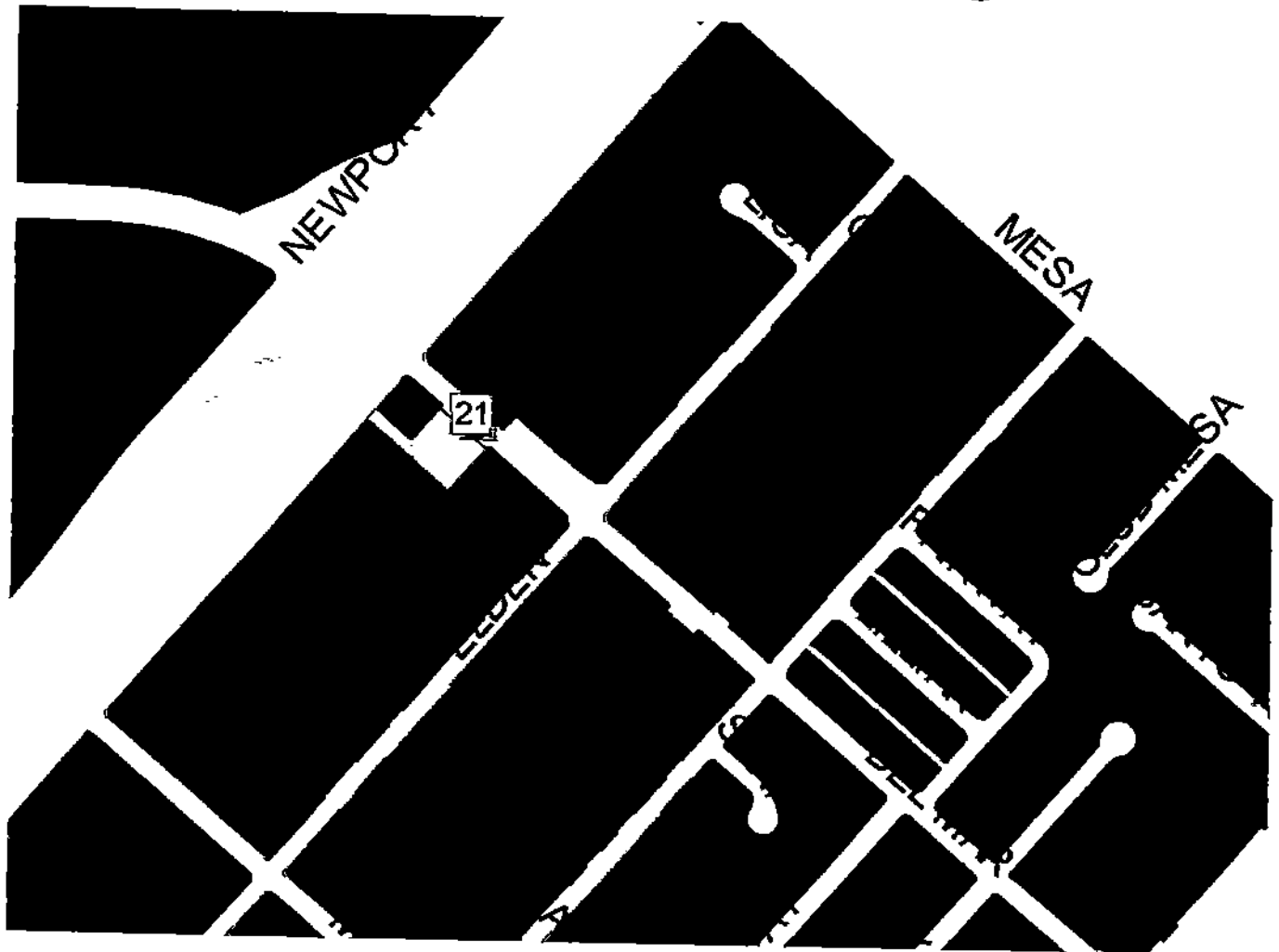


Figure 1d: Mobile Home Parks



21. College Trailer Park (2560 Newport Blvd.)

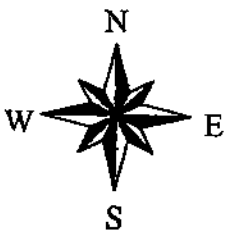


FIGURE 2

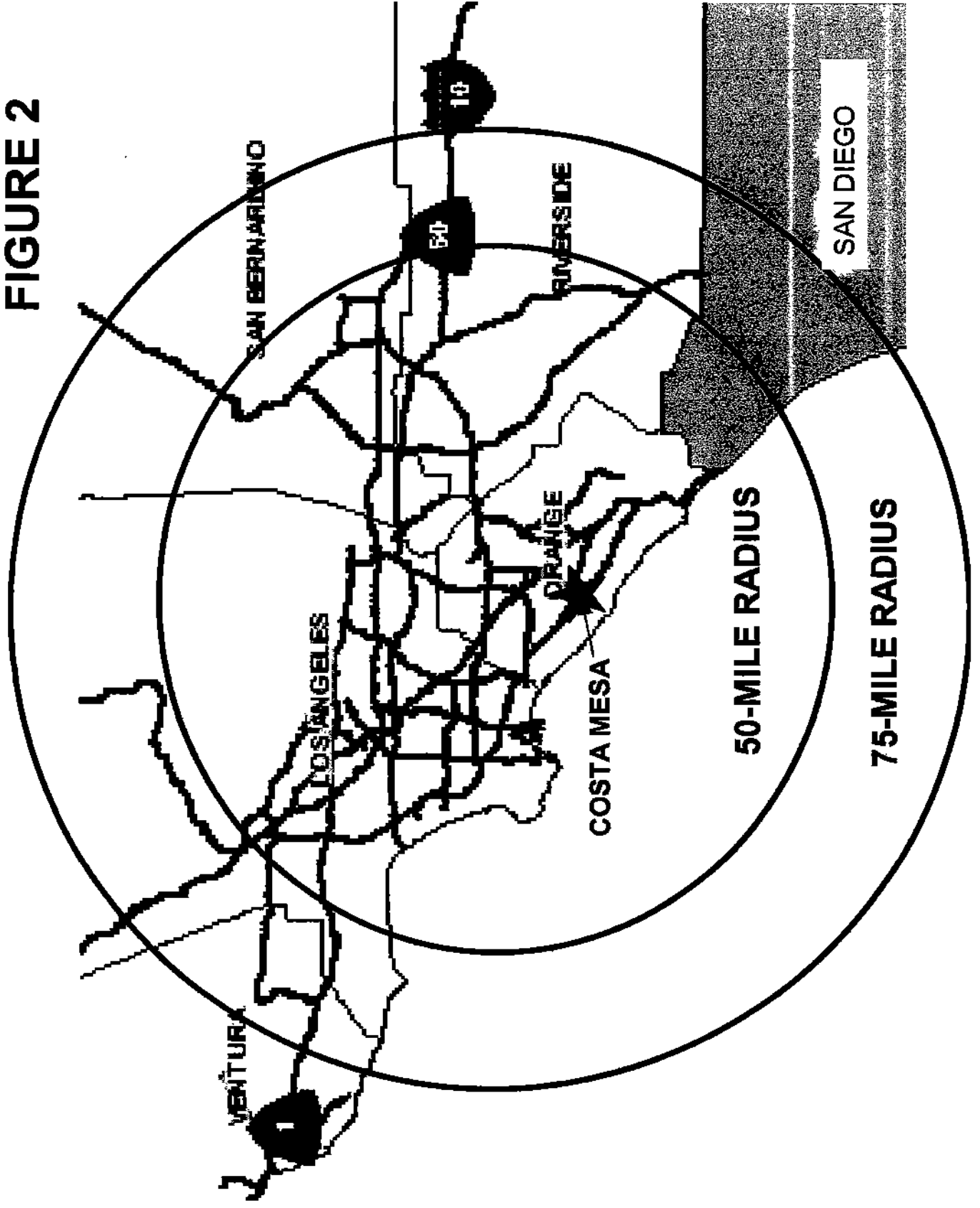
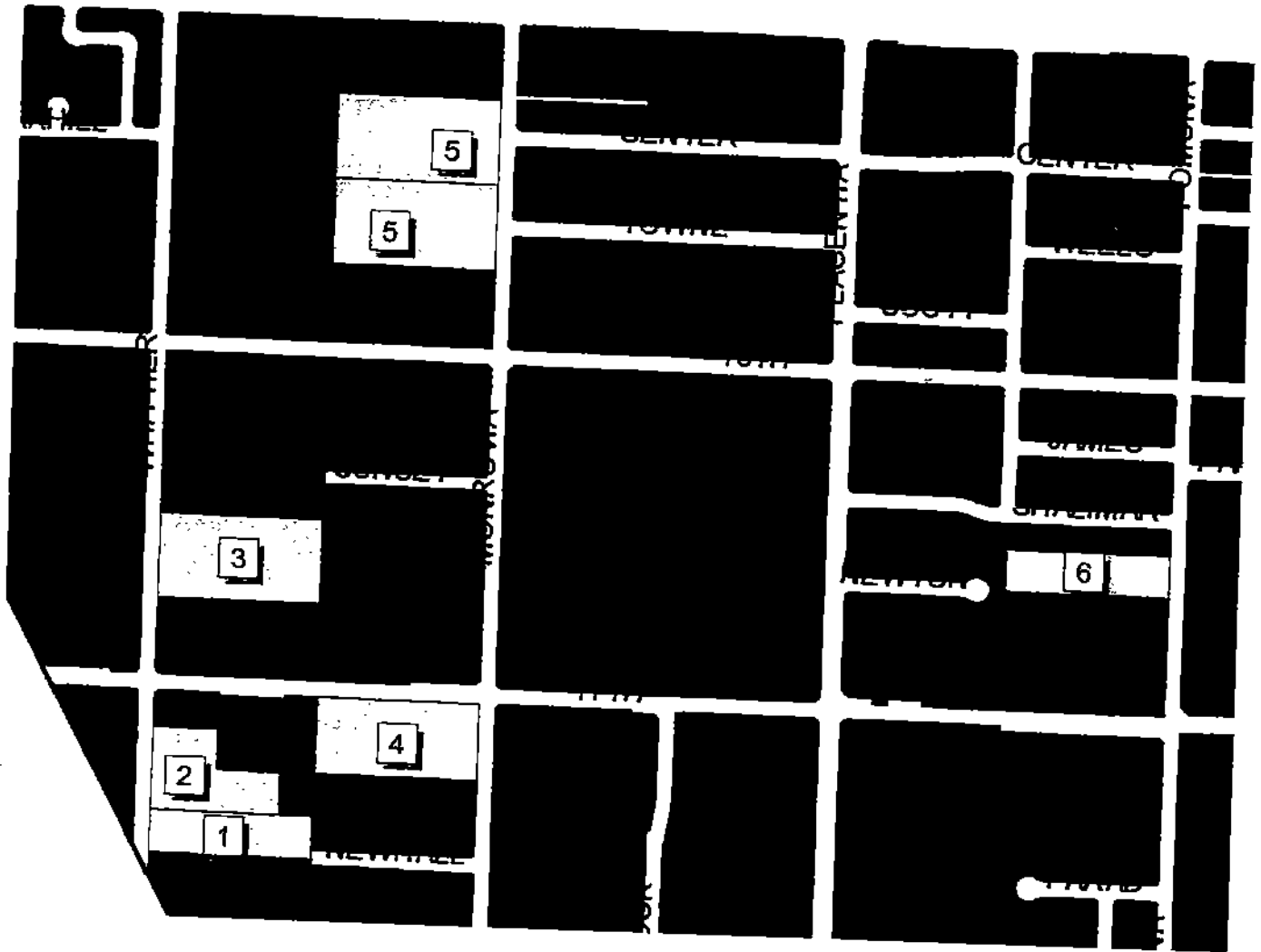


Figure 1a: Mobile Home Parks



1. Island View Trailer Park (1660 Whittier)
2. Orange Coast Mobile Home Lodge (1684 Whittier)
3. Greenleaf Park (1750 Whittier)
4. Playport Mobile Village (903 W. 17th St.)
5. Regal Mobile Club Estates (1845 Monrovia Ave.)
6. Vista Verde Mobile Homes (1741 Pomona Ave.)

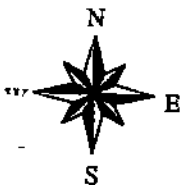
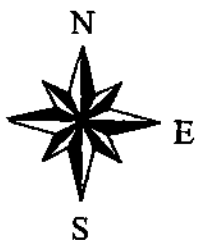


Figure 1b: Mobile Home Parks



- 7. Anchor Trailer Park (1527 Newport Blvd.)
- 8. Sea Breeze Villas (133 E. 16th St.)
- 9. Snug Harbor Trailer Park (1626 Newport Blvd.)
- 10. El Nido Trailer Park (1640 Newport Blvd.)
- 11. Palms Mobile Home Park (140 Cabrillo St.)
- 12. Hoosier Trailer Court (525 Fairfax Drive)



ATTACHMENT 2

TABLES 1 AND 2

13-200.80 Definitions	
"Closure of a park"	Simplified definition by eliminating the 75% owner-occupied threshold trigger. Consolidated with the definition of "cessation of use of land as a park".
"Comparable mobilehome"	Added definition for use in defining appraisal report considerations.
"Conversion of a park"	Simplified definition to be consistent with the definition of "closure of a park".
"Homeowner", "Non-resident Homeowner", "Tenant"	Clarified and added to identify of residents in a mobilehome park.
"Mobilehome"	Included "recreational vehicle" in the definition when the recreational vehicle is used as the occupant's primary place of resident. Excluded motor homes, truck campers and camping trailers from this definition consistent with State Mobilehome Residency Law.
13-200.81 Applicability	Clarified that this ordinance does not apply to any pending mobilehome park conversion applications.
13-200.85 Mobilehome Park Relocation Impact Report Requirements	<p>Clarified how park resident information is to be reported.</p> <p>Established a 50-mile radius for identifying comparable parks, and gave an alternative radius to 75 miles under certain conditions.</p> <p>Specified that an appraisal is only required for mobilehomes that cannot be relocated to a comparable park. Specific information as to what the appraiser shall consider was listed, including on-site sales of comparable mobilehomes (including age, condition, model, and size) in comparable mobilehome parks.</p>
Sec. 13-200.87 Planning Commission Action and Findings on Relocation Impact Report	Added subsection (c) that states the time frame for a homeowner's/non-resident homeowner's acceptance of a relocation lot in a comparable park. A provision was also added that states the park owner's obligations in the event a homeowner/non-resident homeowner rejects the replacement lot.

Table 13-200.87 Relocation Mitigation

This table has undergone the most significant revisions since the initial draft ordinance. Instead of a general list of potential relocation measures, this table now specifically identifies what type of relocation mitigation measure is available to a homeowner. Additional distinction is made between a homeowner and a non-resident homeowner and whether or not the mobilehome can be relocated to a comparable mobilehome park within a 50-mile radius.

It is important to note that "tenants" (those persons who rent a mobilehome from a non-resident homeowner or park owner) are not eligible for relocation mitigation.

Relocation measure #1 was modified to state that when more than 1 comparable lot is available in the radius area, the homeowner/non-resident homeowner shall select the park to which the mobilehome will be relocated.

Expanded relocation measure #2 to include payment of utility service connection fees (including telephone and cable TV) when the homeowner/non-resident homeowner currently has such service. Language regarding the moving of legally constructed improvements was also added.

Modified relocation measure #5 to state that payment of a lump sum by the park owner to the homeowner/non-resident homeowner for a mobilehome that cannot be relocated will be based upon its offsite market value instead of its in-place, fair market value.

Simplified relocation measure #7 regarding the payment of the first year rent differential between a closing park and new park.

The requirement for payment by the park owner of first and last month's rent has been deleted in all instances.

The requirement for payment by the park owner of the security deposit in the new mobilehome park or rental unit has been deleted in all instances.

TABLE 2
MOBILEHOME PARK CONVERSION PROCESS

	Month 1	Month 2	Month 3	Month 4	Month 5	Month 6	Month 7	Month 8	Month 9	Month 10	Month 11
Applicant submits request for relocation impact report preparation											
City Selects consultant to prepare report	60 days										
Consultant prepares draft relocation impact report											
City notifies MHP residents of report preparation			7 days								
Director reviews and accepts relocation impact report					30 days						
Director set PC hearing within 45 days of report acceptance											

First PC Hearing



	Month 1	Month 2	Month 3	Month 4	Month 5	Month 6	Month 7	Month 8	Month 9	Month 10	Month 11
Applicant mails report to residents 30 days prior to PC hearing						★ —					
PC must render decision within 45 days of 1 st public hearing on relocation impact report									Final PC hearing (if needed) ★		
Applicant records certificate accepting measures within 30 days of PC approval									★		
Applicant submits final report as part of the MHP Conversion Permit										★	
Planning Commission hearing on MHP Conversion Permit											★

ATTACHMENT 3

DRAFT ORDINANCE



CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

DEVELOPMENT SERVICES DEPARTMENT

**If you are interested in reading the remaining attachments,
Please contact the City Clerk's office at (714) 754-5225**